GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA

UNSTARRED QUESTION NO:810
ANSWERED ON:21.07.2016
Office of Profit
Roy Prof. Saugata

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether the posts of Parliamentary Secretaries to Ministers in the country comes within the ambit of Office of Profit;
(b) if so, the details thereof and if not, the reasons therefor;
(c) the steps taken/being taken to disqualify those Legislatures who are working as such in the country; and
(d) the number of such Legislatures in the country, State-wise?

Answer

A N S W E R
MINISTER OF LAW AND JUSTICE AND
ELECTRONICS AND INFORMATION TECHNOLOGY

(SHRI RAVI SHANKAR PRASAD)

(a) to (c): There are no posts of Parliamentary Secretaries to Ministers in the Union of India. There is no reference to the post of Parliamentary Secretaries in the Parliament (Prevention of Disqualification) Act, 1959. The expression "office of profit" has not been defined in any law.
However, in some States, the Parliamentary Secretaries posts have been created. Whether such posts come within the ambit of "office of profit" or not depend upon the nature of post, the terms and conditions of appointment, termination, the payment attached thereto, the functions performed thereunder, etc.
Taking steps for disqualifying the Legislators working as Parliamentary Secretaries is relatable to article 191 of the Constitution and is entirely under States' domain and it is for the Governor/Lt. Governor of those States to take steps/decision in this regard. It is not within the domain of Union of India to take any steps in this regard as it is State subject matter.
(d): No information is available in this regard.